

## REMARKS

The Examiner's thoughtful attention to the present application is greatly appreciated.

Claims 1 - 8 are pending in the present application. In the recent Office Action, Claims 1 - 3 and 5 - 7 were rejected under 35 U.S.C. §103. Meanwhile, the remaining Claims 4 and 8 were objected to, but indicated as allowable if rewritten in independent form to include all of the limitations of their base claim and any intervening claims.

Reexamination, reconsideration and allowance of Claims 1 - 3 and 5 - 7 is requested.

### REJECTION UNDER 35 U.S.C. §103

In the recent Office Action, Claims 1 - 3 and 5 - 7 were rejected under 35 U.S.C. §102 as being obvious in view of *Onken et al.* (U.S. Patent No. 7,221,746) in view of *Petite* (U.S. Patent No. 6,233,327). Respectfully, the combination of *Onken* and *Petite* does not disclose or suggest several limitations of independent Claims 1 and 5. Accordingly, the claims are not anticipated by the combination of *Onken* and *Petite*, and it is requested that the rejection be withdrawn and all claims be allowed.

#### *Applicant's Invention*

Applicant's invention is directed to a system for requesting service of a machine requiring periodic maintenance, such as a vending machine. Like many prior art systems, the alert system of Applicant's invention includes one or more sensors for detecting default conditions, such as a low quantity of cans of soda. Unlike prior art systems, Applicant's invention also includes a voice recorder for storing one or more voice messages corresponding to default conditions, a transmitter for transmitting the voice messages to the machine operator, and a trigger connected to the one or more sensors and the transmitter for initiating the transmission of the voice messages in accordance with predetermined conditions. The voice messages are transmitted over the public switched telephone network (PSTN) to be heard by the machine operator personally or to be stored on the machine operator's voice answering system. The transmitter may be a simple auto-dialer connected by traditional phone cords to a nearby phone jack. Of importance, independent Claims 1 and 5 of the present application include each of the aforementioned

limitations directed to the system including a recorder storing one or more prerecorded voice messages, a transmitter for transmitting voice messages and a trigger for transmitting voice messages.

### **Onken**

*Onken* also discloses an alert system for alerting a machine operator that a machine needs servicing. Indeed, *Onken* discloses a relatively ingenious system for transmitting messages over a PSTN without requiring that a phone be answered so as to thereby avoid telephone charges. The *Onken* alert system includes one or more sensing devices for detecting conditions of a machine such as the level of trash within a receptacle. As explained at the bottom of column 2 and top of column 3, the transmitter transmits and identifies the machine conditions by selectively calling one of several preprogrammed telephone numbers. Each telephone number matches up with the machine condition. The machine operator determines which machine requires servicing by simply looking at the caller ID. The caller ID identifies the phone being used to make the call which corresponds to the machine. The operator then can determine the machine condition by determining which phone has been called. For example, each of the preprogrammed telephone numbers to call corresponds with different machine conditions such as a first number identifying a first level of trash and a second number identifying a second level of trash. In this manner, telephone calls never need to be answered and telephone charges are not required. Notably, *Onken* does not suggest an alert system including a recorder storing one or more prerecorded voice messages, a transmitter for transmitting voice messages over a PSTN or a trigger for transmitting voice messages.

*Petite*

*Petite* is directed to an alert system for vending machines. The alert system includes a transmitter for transmitting alerts from a first location (such as a vending machine) over a public switch telephone network to a central station. The system includes a controller for controlling the transmission of the signal and the communication over the telephone line. Meanwhile, the central station includes a decoder for decoding the signal.

Of utmost importance, *Petite* does not suggest the transmission of voice messages over the PSTN. Instead, the alert signal is an “instruction code”. (See column 4, lines 31 - 42). The instruction code may be a single byte of 8 bits or may comprise 2 bytes defining over 65,000 functions or instructions. A substantial portion of *Petite* describes the low power transmission of the coded signal and how it may be encrypted. (See column 4, lines 66 - column 6, line 20). However, there is no suggestion whatsoever within *Petite* that the alert system transmit a voice message, that the alert system include a voice recorder, or that the system include a trigger for transmitting voice messages as claimed by Applicant. In fact, the word “voice” appears in *Petite* only once, in column 11, lines 50 - 53. Therein, *Petite* describes an embodiment where the alert system may transmit the encoded data, but a person may simultaneously use the PSTN for making a traditional phone call. However, again this portion of *Petite* does not suggest that the alert system utilize any sort of voice message.

### **Patentability of Claims 1 - 8**

It is a fundamental axiom of patent law that the prior art must disclose or teach each and every one of the claim limitations for the claim to be obvious. Here, independent Claims 1 and 5 include several limitations which are not suggested within *Onken* or *Petite*. Specifically, neither *Onken* nor *Petite* describe an alert system including a recorder for storing voice messages, a receiver for receiving voice messages or a trigger for transmitting voice messages. *Onken* never refers to “voice” or “voice messages” throughout the entire reference. Instead, alerts are transmitted by caller ID. Meanwhile, *Petite* describes alerts transmitted by encoded digital data in the form of bytes. Again there is no suggestion of an alert transmitted by voice message.

In conclusion, the prior art does not suggest several elements found in the only independent Claims 1 and 5. Thus, these claims are allowable. Meanwhile, since dependent Claims 2 - 4 and 6 - 8 depend from allowable claims, these claims should also be allowed.

CONCLUSION

Claims 1 - 8 are believed to be in condition for allowance and notice thereof is respectfully requested. If there are any remaining issues that need to be resolved, it is requested that a telephone call be placed to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Duckworth", written in a cursive style.

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Andrew S. Holmes; Kevin D. Knoop**

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**Gerald Gauthier**

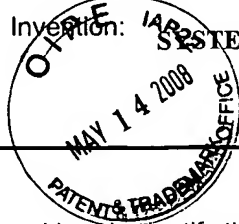
Customer No.

**71850**

Group Art Unit

**2614**

Invention:

**SYSTEM FOR REQUESTING SERVICE OF A MACHINE**

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